

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

RACHEL M. MCMILLIAN

CHAPTER 13 NO:

23-13377-SDM

TRUSTEE'S OBJECTION TO CONFIRMATION

COMES NOW Trustee, Todd S. Johns, and files this his Objection to Confirmation of the Debtor's Chapter 13 plan, and in support of same, would show unto the Court the following:

1. The Debtor filed a Chapter 13 petition on October 31, 2023; a 341a meeting of creditors was held on December 11, 2023.
2. The Debtor's plan does not comply with the provisions of this Chapter and other applicable provisions of Title 11 pursuant to 11 U.S.C. 1321(a)(1).
3. The Debtor has filed multiple prior bankruptcy cases, including three (3) Chapter 13 cases within the last ten years, all of which have been dismissed for failure to fund the plan, the most recent of which was case number 22-13147, which was filed in December 2022 and dismissed in September 2023.
4. The Debtor has failed to remit any plan payments to the Trustee in the instant case.
5. Upon information and belief, the plan as proposed is not feasible, as the Debtor is dependent upon \$1,000.00 in family support in order to fund the plan, and monthly living expenses of \$2,230.00 are unrealistically minimal, even for a single household.
6. The Debtor stated that she has a rental house on which she receives income, but same has not been listed on Schedule I. Furthermore, the debtor is self-employed and running a business; as such, the Debtor should file more detailed Business Income and Expense statement, especially as a major part of the debt in this case is income tax debt.
7. Based on the Debtor's prior case history, the Debtor should be bound by a provision that this case would be automatically dismissed upon the Debtor becoming more than 60 days delinquent in future plan payments due to the Trustee.
8. The Trustee would object to any modified plan which may be filed hereafter.
9. Confirmation should be denied and this case dismissed.
10. Other grounds to be shown at the hearing hereon.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that this Objection be filed, and at the hearing hereon, confirmation be denied, this case dismissed, and for such other, further, and general relief to which the Trustee and this bankrupt estate may be entitled.

DATED: December 12, 2023.

RESPECTFULLY SUBMITTED:

/S/ TODD S. JOHNS, MSB#9587
CHAPTER 13 TRUSTEE
PO BOX 1326
BRANDON MS 39043-1326
601-825-7663; tjohns13ecf@ch13mstrustee.com

CERTIFICATE OF SERVICE

I, Todd S. Johns, do hereby certify that I have this day filed the foregoing with the Clerk of Court using the CM/ECF system, and I further certify that I served a true and correct copy of same, either electronically or via United States Mail, postage prepaid, to the UNITED STATES TRUSTEE and to the following:

RACHEL M. MCMILLIAN
30281 PROSPECT RD
NETTLETON, MS 38858

Kimberly Brown Bowling
Mitchell & Cunningham
kimb bowling@mitchellcunningham.com

DATED: December 12, 2023. /S/ TODD S. JOHNS